

Instructions for the Form for ARES Applicants

The Form for ARES Applicants has been prepared by the Staff of the Illinois Commerce Commission (“Staff”). It is intended to be a source of information and a template that may be of use to entities petitioning the Illinois Commerce Commission (“Commission”) for a Certificate of Service Authority to be an Alternative Retail Electric Supplier (“ARES”) under Section 16-115 of the Public Utilities Act (“Act”) [220 ILCS 5/16-115] and 83 Ill. Adm. Code 451 (“Part 451”), Certification of Alternative Retail Electric Suppliers. The Form is not intended to constitute legal advice regarding compliance with Section 16-115 of the Act, 83 Ill. Adm. Code 451, or any applicable case law.

An ARES applicant can apply for certification under any one of four Subparts:

- Subpart B to serve only nonresidential retail customers with maximum electrical demands of one megawatt or more,
- Subpart C to serve nonresidential retail customers with annual electrical consumption greater than 15,000 kWh,
- Subpart D to serve all retail customers, or
- Subpart E to serve only the applicant itself and retail customers, at separate locations, if the customers are both owned by, or are subsidiaries or other corporate affiliates of, the applicant and are eligible for delivery services.

In addition to the certification under the Subparts B through E, an ARES applicant can also apply for authorization to provide single-billing service under Subpart F.

A Docket Number will be assigned after the applicant has made its filing with the Commission.

Part 451 describes the requirements applicable to an entity seeking to become certified as an ARES in the State of Illinois. The Form for ARES Applicants is only to be used as a tool in the application process; it should not be construed as the official Commission rule. In the Form for ARES Applicants, there are references to certain sections of Part 451, which are shown as bracketed references [451.XX]; please review the appropriate sections of Part 451¹ before agreeing to or certifying to any requirement.

83 Ill. Adm. Code 200 (“Part 200”), Rules of Practice, provides the Commission requirements for filings. Contents of all documents must be consistent with the Commission’s Rules of Practice.²

The original Application must be submitted to
Chief Clerk
Illinois Commerce Commission
527 East Capitol Avenue
Springfield, Illinois 62701

¹ Part 451: <http://www.ilga.gov/commission/jcar/admincode/083/08300451sections.html>

² Part 200: <http://www.ilga.gov/commission/jcar/admincode/083/08300200sections.html>

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To assist Staff in its review of any application, applicants are requested to provide to the Chief Clerk's Office with four additional copies of the Application and all attachments, along with the original. The four additional copies should be labeled as follows to be forwarded to the appropriate Staff:

- Manager of Engineering Department, Energy Division
- Manager of Finance Department, Financial Analysis Division
- Consumer Services Division
- Deputy General Counsel, Energy

(A handwritten annotation in the upper right-hand corner of the first page will be sufficient to direct the additional copies to the appropriate Staff.)

In addition, Section 16-115(b) of the Act [220 ILCS 5/16-115(b)] and Part 451.30(a) require the applicant to publish notice of its application in the Official State Newspaper within 10 days following the filing of the application. The Official State Newspaper through the end of June 2005 is the Edwardsville Intelligencer, whose classified advertising department may be reached at (618) 656-4700, extension 49. The fax number for the classified advertising department is (618) 656-7618, and the email address is statelegals@edwpub.com.

The applicant shall send the original and two copies of the proof of publication to the Chief Clerk at the same address set forth above. The filing of the proof of publications should be made as soon as possible after publication.

To file confidential documents, please refer to Part 451.160.

Reciprocity requirements are addressed in items 15 and 16 on the Form for ARES Applicants. Applicants should be aware of developments in the law since it was first enacted in 1997, including the decision by the Appellate Court of Illinois in *Local Union Nos. 15, 51, and 702, International Brotherhood of Electrical Workers v. Illinois Commerce Comm'n*, 331 Ill. App. 3d 607, 772 N.E.2d 340, 265 Ill. Dec. 302 (Fifth District, 2002)³ and subsequent decisions of the Commission and the courts. As with other legal issues, an applicant desiring legal advice regarding the reciprocity requirements should consult an attorney.

Questions concerning the ARES certification process may be directed to the following Staff:

- Phil Hardas, Finance Department, Financial Analysis Division, at (217) 557-5213 or phardas@icc.state.il.us,
- Roy Buxton, Manager, Engineering Department, Energy Division, at (217) 785-5424 or rbuxton@icc.state.il.us, or
- Bill Voss, Financial Analysis Division, at (217) 782-2061 or bvoss@icc.state.il.us.

³ <http://www.state.il.us/court/Opinions/AppellateCourt/2002/5thDistrict/June/Html/5010416.htm>